

John Boehner
Chairman
8th District, Ohio

House Meets at 9:00 a.m. and Will Recess Immediately to Receive the President of Romania. Following Meeting, House Will Reconvene for Legislative Business

Anticipated Floor Action:

H.R. 3682—Child Custody Protection Act

H.R. 3267—Sonny Bono Memorial Salton Sea Reclamation Act

H.R. 4104—FY 1999 Treasury/Postal Service Appropriations Act

H.R. 2870—Tropical Forest Conservation Act



H.R. 3682—Child Custody Protection Act

Floor Situation: The House will consider H.R. 3682 as its first order of business today. Yesterday, the Rules Committee granted a closed rule providing two hours of general debate equally divided between the chairman and ranking member of the Judiciary Committee. Finally, the bill provides one motion to recommit, with or without instructions.

Summary: H.R. 3682 makes it a federal offense to transport a minor to another state, other than the minor child's state of residence, in order to circumvent state parental consent and notification laws so that the child may obtain an abortion. The bill is not intended to supercede, override, or otherwise alter existing state laws regarding access to abortion services for minors; nor does the bill impose additional parental notice or consent requirements on states. CBO estimates that enactment will have no significant effect on the federal budget. H.R. 3682 was introduced by Ms. Ros-Lehtinen, *et al.* and was reported by the Judiciary Committee by a vote of 17-10 on June 23, 1998.

Views: The Republican Leadership supports passage of the H.R. 3682. An official Clinton Administration position was unavailable at press time; however, Democrats have expressed concern over the bill's provisions, claiming that they will lead more teen-aged girls to seek out "secret" abortions apart from trained medical professionals, which further threatens their health and welfare.

Additional Information: See *Legislative Digest*, Vol. XXVII, #18, July 10, 1998.



H.R. 3267—Sonny Bono Memorial Salton Sea Reclamation Act

Floor Situation: The House will consider H.R. 3267 after it completes consideration of H.R. 3682. Yesterday, the Rules Committee granted a modified closed rule providing one hour of general debate, equally divided between the chairman and ranking minority member of the Resources Committee. The rule waives all points of order against the bill and its consideration. It makes in order a committee amendment in the nature of a substitute by Mr. Young as base text. The rule also makes in order an amendment offered by Mr. Miller (CA), debatable for one hour equally divided between a proponent and an opponent. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 3267 directs the Interior Secretary to conduct a feasibility study and construct a project to reclaim the Salton Sea, which is located approximately 130 miles east of San Diego, California. The measure requires that the findings and recommendations of the feasibility study be presented to Congress within 18 months of enactment and authorizes \$350 million to implement the project contingent upon congressional approval (by the relevant committees) of the reclamation plan. The bill outlines project requirements, including reducing and stabilizing the sea's salinity, stabilizing surface elevation, restoring fish and wildlife resources, and enhancing recreational use and economic development.

In addition, the measure (1) authorizes \$5 million to conduct wildlife resource studies concurrently with the feasibility study to provide real-time science to use during the feasibility study's decision-making process; (2) authorizes \$3 million to clean up the Alamo River and New River; (3) preserves all current rights and obligations concerning Colorado River water use; (4) requires that the project be constructed pursuant to a final Environmental Impact Statement; and (5) limits administrative and judicial review of the project. Finally, the bill renames the Salton Sea National Wildlife Refuge as the Sonny Bono Salton Sea National Wildlife Refuge.

Assuming appropriation of the authorized amounts, CBO estimates that enactment of H.R. 3267 will result in additional discretionary spending of \$94 million over the FY 1999-2003 period. The remaining amounts authorized by the bill will be spent after FY 2003. The bill was introduced by Mr. Hunter *et al.*; the Resources Committee reported the bill by voice vote on May 20, 1998.

Views: The Republican leadership supports passage of the bill. An official Clinton Administration viewpoint was unavailable at press time.

Amendments: The modified closed rule makes in order the following substitute amendment by Mr. Miller (CA), debatable for one hour equally divided between a proponent and an opponent.

— *Miller (CA)/Brown Substitute* —

The substitute authorizes the Interior Secretary to conduct a feasibility study of various alternatives for restoring the Salton Sea (as opposed to the bill, which currently authorizes both the feasibility study *and* reclamation project). The substitute authorizes \$30 million to conduct the study. The feasibility

study in the substitute is similar in scope to the study in the bill. Supporters of the substitute argue that it will allow scientists and engineering experts to conduct the analysis Congress typically requires before proceeding with a major project authorization, in order to ensure that the Salton Sea strategy recommended by the study receives appropriate review.

Feasibility Study Options. The options considered in the feasibility study must include (1) using impoundments to segregate a portion of the waters in one or more evaporation ponds located in the Salton Sea basin; (2) pumping water out of the sea; (3) augmenting flows of water into the sea; (4) improving the quality of wastewater discharges from Mexico and from other users of the Salton Sea basin; (5) water transfers or exchanges in the Colorado River basin; and (6) any other feasible restoration options.

Study Factors. In evaluating the feasibility options considered in the study, the Interior Secretary must consider (1) the ability of federal, tribal, state, and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs; (2) how and where to dispose permanently of water pumped out of the Salton Sea; (3) the availability of necessary minimum inflows to the Salton Sea from current sources, including irrigation drainage water; and (4) the potential impact of Salton Sea restoration efforts on the rights of other water users in the Colorado River Basin and on California's Colorado River water entitlement pursuant to the Colorado River Compact and other laws governing water use in the Colorado River Basin.

Interim Report. The Interior Secretary must submit an interim report on the study within nine months after funds for the study are appropriated. The report must (1) identify alternatives being considered for restoring the Salton Sea; (2) describe the status of environmental compliance activities; (3) describe the status of cost-sharing negotiations with state of California and local agencies; (4) describe the status of negotiations with the government of Mexico, if required; and (5) report on the progress of New River and Alamo River research and demonstration authorized by the substitute. Upon receipt of the interim report, the appropriate House and Senate committees must promptly schedule and conduct oversight hearings to review implementation of the Salton Sea restoration plan included in the report and identify additional authorizations that may be required to carry out plans and studies relating to the restoration of the Salton Sea.

Final Report. The substitute requires that the findings and recommendations of the feasibility study be presented to Congress within 18 months of enactment. The report must (1) summarize options to restore the Salton Sea; (2) recommend a preferred option to restore the Salton Sea; (3) recommend a cost-sharing structure to implement the plan; (4) include a draft of recommended legislation to authorize construction of the preferred option. The feasibility study must be completed in accordance with a memorandum of understanding between the Interior Secretary, the Salton Sea Authority, and the Governor of California. The agreement must establish criteria to determine the magnitude and practicality of costs associated with the construction, operation, and maintenance of each option evaluated.

Concurrent Wildlife Resource Studies. The substitute authorizes \$5 million to conduct wildlife resource studies concurrently with the feasibility study in order to provide real-time science to use during the feasibility study's decision-making process. Subjects to be studied include hydrology, wildlife pathology, and toxicology relating to wildlife resources of the Salton Sea. The substitute requires the secretary to establish a Salton Sea Research Management Committee to manage the studies and ensure that they are peer-reviewed.

Improving Water Quality in the Alamo River and New River. The substitute requires the Interior Secretary to promptly research and construct wetlands filtration and demonstration projects to improve the water quality of the Alamo River and New River. The measure authorizes \$3 million for this purpose. The secretary may acquire equipment, real property, and interests in real property as needed to implement such a recovery plan. The secretary must implement this plan in cooperation with the Desert Wildlife Unlimited, the Imperial Irrigation District, the state of California, and other interested parties.

Refuge Renaming. The substitute renames the Salton Sea National Wildlife Refuge as the Sonny Bono Salton Sea National Wildlife Refuge.

Additional Information: See *Legislative Digest*, Vol. XXVII, #18, July 10, 1998.



H.R. 4104—FY 1999 Treasury/Postal Service Appropriations Act

Floor Situation: The House will consider H.R. 4104 after it completes consideration of H.R. 3267. Appropriations bills are privileged and may be considered any time three days after they are filed. Yesterday, the Rules Committee adopted an open rule providing for one hour of general debate, equally divided between the chairman and ranking minority member of the Appropriations Committee. The rule waives House rules prohibiting consideration of legislation within the Budget Committee's jurisdiction. It accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 4104 appropriates \$28.9 billion in overall spending for the Treasury Department, the Postal Service, and other general government operations, \$3.5 billion more than last year and \$2 billion more than the president's request.

Specifically, the bill appropriates (1) \$11.5 billion for the Department of the Treasury (a \$155 million increase over the FY 1998 level); (2) \$530.6 million for the Bureau of Alcohol, Tobacco, and Firearms (\$3.3 million less than the FY 1998 level); (3) \$7.8 billion for the Internal Revenue Service (a \$24.4 million increase); (4) \$601.1 million for the Secret Service (a \$28 million increase); (5) \$71.2 million for the U.S. Postal Service (a \$15.1 million decrease from the FY 1998 level); and (6) \$581.5 million for the Executive Office of the President (a \$12.5 million increase).

In addition, the bill provides \$132 million—\$1 million more than last year's funding level and \$172,000 less than the president requested—to fund violent crime reduction programs, including (1) Gang Resistance Education and Training (GREAT), (2) funds for states and local communities to work with the ATF to combat firearms crime and interstate gun trafficking, (3) efforts to fight overseas counterfeiting and money laundering, (4) enhanced border enforcement, and (5) additional training for federal law enforcement personnel. The agencies and offices involved are the ATF, the Customs Service, the Secret Service, Interagency Crime & Drug Enforcement, and the Office of National Drug Control Policy (ONDCP).

The bill also (1) blocks members of Congress from receiving an annual cost of living adjustment; (2) prohibits the United States Postal Service from spending any funds to initiate new non-postal commercial activities; (3) makes the United States Trade Representative responsible for formulating, coordinating, and overseeing foreign policy related to international postal and delivery services, as long as the agreements or treaties entered into do not place an undue burden on the Postal Service, a private provider of international services, or any other person; (4) prohibits the Office of Personnel Management from entering into or renewing a contract that provides coverage for prescription drugs, unless the plan also provides equivalent coverage for all prescription contraception drugs or devices approved by the FDA, or generic equivalents approved as substitutable by the FDA; and (5) provides compensation for the ban on certain imported rifles which the president made illegal by executive action (the rifles are still legal if purchased domestically).

A CBO estimate was unavailable at press time. The bill was submitted by Mr. Skeen and was reported by the Appropriations Committee by voice vote on June 16, 1998.

Views: The Republican leadership supports passage of H.R. 4104. An official Clinton Administration view was unavailable at press time.

Amendments: At press time, the *Legislative Digest* was aware of the following amendments to H.R. 4104.

Messrs. Sanders, Bachus, Miller, Stearns, Burton, DeFazio, Rohrabacher, Kucinich, Stark, Owens, and Ms. Kaptur may offer an amendment (#1) to restrict the salary of any federal employee who certifies, approves, or processes any loan or credit from the Exchange Stabilization Fund (ESF) to a foreign country. **Staff Contact: Brendan Smith (Sanders), x5-4115**

Mr. Sessions may offer an amendment (#2) to increase by \$5 million funding for federal drug control programs—specifically, the high intensity drug trafficking areas. The amendment contains an offsetting reduction in appropriations to the salaries and expenses of the Office of Administration. **Contact: x5-2231**

Mr. Blagojevich may offer an amendment (#4) to increase by \$2 million appropriations for equipment used in joint law enforcement operations with the ATF—such as those involving the Violent Crime Coordinator Program—bringing total funding to \$3 million. The amendment's spending increase is offset by an equal reduction in appropriations for the General Service Administration's building operations. **Staff Contact: Deanne Benos, x5-4061**

Mrs. Maloney may offer an amendment (#5) to eliminate from the bill the provision to impose term limits on the staff director and general counsel of the Federal Election Commission (FEC). Supporters of the amendment charge that the provision would undermine FEC investigations of campaign finance violations, while opponents believe that these positions need to be periodically reshuffled to ensure impartiality and independence. **Staff Contact: Michael Fischer, x5-7944**

Ms. Morella offer an amendment (#6) to permit executive agencies—at their own discretion—to use appropriated funds to provide their employees child care, through contract or in a federal or leased facility. **Staff Contact: Kathryn Pearson, x5-5341**

Mr. Sanders may offer one of several amendments (#7, #8, #13, #14, or #15) to increase by \$6 million funding for the National Personnel Record Center, a division of the National Archives & Records Administration that manages veterans' records. *Staff Contact: Brendan Smith, x5-4115*

Ms. DeLauro, Ms. Morella, and Messrs. Moran and Greenwood may offer an amendment to eliminate from the bill the provision that prohibits the Office of Personnel Management (OPM) from allowing federal employee health insurance plans to cover abortion services except when the mother's life is at stake, or in cases of rape or incest. The amendment will permit (but not require) health plans to cover legal abortions and allow federal employees to choose such plans. Opponents of the amendment argue that taxpayers should not be forced to fund a procedure they find morally repugnant, while supporters contend that insurance is not federal funding but belongs to employees as part of their salaries, and thus they should be free to use it accordingly. *Staff Contact: Catriona MacDonald (DeLauro), x5-3661; Cindy Hall (Morella), x5-5341*

Mr. Delay may offer an amendment to stipulate that no constitutional basis and no federal common law or statutory law exists to justify the establishment of a protective function privilege. The amendment expresses the sense of Congress that if the president believes protective function privilege has merit, he should submit legislation to Congress or withdraw his appeal of the recent district court decision denying existence of such a privilege. *Contact: x5-5951*

Mr. Obey may offer an amendment to exempt religiously sponsored health plans from the requirement that all Federal Employees Health Benefits Programs (FEHBP) cover the full range of prescription contraceptives as part of their benefits package. The amendment allows Catholic health plans currently belonging to the FEHBP to continue to be offered to federal employees—even if they do not cover prescription contraceptives—so as not to violate the tenets of their religious beliefs. *Contact: x5-3365*

Messrs. Schumer and McDermott may offer an amendment to transfer to the ATF \$2 million currently appropriated in the bill to compensate owners of recently-outlawed imported rifles. The ATF would use the funds to hire new agents. *Staff Contact: Nicole Rutberg, x5-6616 (Schumer)*

Mr. Hefley may offer an amendment (#9) to eliminate a provision in the bill that authorizes the General Services Administration to convey federal property to the University of Miami no later than September 30, 1999. This 76-acre parcel of land is located in Miami-Dade County, Florida, and includes the U.S. Naval Observatory/Alternate Time Service Laboratory. *Staff Contact: Leigh Mora, x5-4422*

Mr. Hefley may offer an amendment (#10) to prohibit funds appropriated in the bill to implement, administer, or enforce the president's Executive Order 13087, which added sexual orientation to affirmative action guidelines applying to federal employees. *Staff Contact: Leigh Mora, x5-4422*

Mr. Tiahrt may offer an amendment (#11) to eliminate the bill's requirement that federal health plans cover prescription contraceptives drugs or devices. However, some members intend to raise a point of order to strike the provision as violating House rules against legislating in appropriations bills. Mr. Tiahrt plans to offer the amendment only if the provision is not stricken. *Staff Contact: Jeff Kahrs, x5-6216*

Ms. Northrup may offer an amendment (#12) to allow the Postal Service to enter into necessary commercial and operational contracts relating to international postal services, unless it grants an undue or unreasonable preference regarding class of mail or type of mail service. *Contact: x5-5401*

Mr. Sanders may offer an amendment (#16) to prohibit funds in the bill from being used to make any loan or credit through the exchange stabilization fund of more than \$250 million to a foreign entity or government of a foreign country. *Staff Contact: Brendan Smith, x5-4115*

Mr. Sanders may offer an amendment (#17) to prohibit funds in the bill from being used to make any loan or credit through the exchange stabilization fund. *Staff Contact: Brendan Smith, x5-4115*

Additional Information: See *Legislative Digest*, Vol. XXVII, #17, June 19, 1998.



H.R. 2870—Tropical Forest Conservation Act

Floor Situation: The House will consider Senate amendments to H.R. 2870 sometime today. Mr. Gilman is expected to ask for unanimous consent to consider the bill.

Summary: H.R. 2870, as amended by the Senate, amends the Foreign Assistance Act of 1961 to encourage the protection of tropical forests through debt reduction in targeted developing countries. The measure authorizes the restructuring of U.S. debts which are unlikely to be repaid fully by less developed countries in exchange for efforts to protect their tropical forests. The bill rechannels over \$300 million in existing resources over three years to facilitate “debt-for-nature” swaps with those countries that have the most threatened and globally outstanding tropical forests. The bill also authorizes cost-free “debt buybacks,” whereby a country fully buys back its debt in exchange for providing funds in local currency equal to or up to a certain percentage of the purchase price for tropical forest protection.

When considered by the Senate, the bill was amended to make several clarifying and technical amendments. The Senate also added measures to (1) ensure that program funds are used only to conserve and protect tropical forests by tightening up the list of eligible conservation activities, (2) deleting requirements that a country have a minimum level of environmental policies or practices in place to be eligible for funding, and (3) including forestry organizations with expertise in conserving tropical forests part of the local administering bodies and the oversight board.

H.R. 2870 was introduced Mr. Portman et al. and passed the House by a vote of 356-61 on March 19, 1998. The Senate passed an amended version of the measure by unanimous consent on July 14, 1998

Views: Both the Republican Leadership and the Clinton Administration support passage of the bill.

Additional Information: For information on H.R. 2870 as it went to the House floor, see *Legislative Digest*, Vol. XXVII, #6, March 13, 1998.

